

**MINUTES OF THE REGULAR MEETING OF THE COMMON
COUNCIL OF THE CITY OF JASPER, INDIANA
JULY 19, 2006**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, July 19, 2006 in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven of the members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. One set of minutes containing the June 21, 2006 regular common council meeting, the 6:40 p.m. public hearing concerning the petition of Arrol Frank Jacobs, as owner, and Jeff Peters, as petitioner, to rezone the vacant field lying immediately south of 332 S. Truman Road from R-1 to I-1, and the 6:50 p.m. public hearing concerning the petition of Brady Development LLC, Herbert/Mary Ann Schwenk Trust, and Cedarwood Development to vacate a public utility and drainage easement located near the Y on the south side of US 231
2. June 20, 2006 special Council meeting-salary hearings for 2007 budget

A **motion** was made by Councilmember Ambrose 'Butch' Schitter and seconded by Councilmember Thomas Schmidt to approve the minutes as presented. Motion carried 7-0.

Boy Scouts. Six Boys Scouts who were working on their Citizenship in the Community merit badge were present and introduced themselves.

Utility Service Board. Utility Service Board Chairman Greg Krodel presented a report of the regular monthly meeting held on July 17, 2006. Copies of the minutes are supplied to each council member.

ORDINANCE NO. 2006-26 AN ORDINANCE AMENDING ORDINANCE NO. 2002-09 ENTITLED AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA [Division Road]

Ordinance No. 2006-26 amends the 'Division Road' annex ordinance in order to change the Council District to reflect the County's current numbering system. The amendment was requested by the Dubois County Clerk.

Upon motion by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember Randall Buchta and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, a motion was made by Councilmember Bradley Seger, seconded by Councilmember Thomas Schmidt and approved 7-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember John Schroeder, seconded by Councilmember Ambrose 'Butch' Schitter, it was moved to pass and adopt Ordinance No. 2006-26. The motion passed 7-0.

ORDINANCE NO. 2006-27 AN ORDINANCE AMENDING ORDINANCE NO. 2002-46 ENTITLED AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA [County Road 400 West]

Ordinance No. 2006-27 amends the 'County Road 40 West' annex ordinance in order to change the Council District to reflect the County's current numbering system. The amendment was requested by the Dubois County Clerk.

Upon motion by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember Raymond Howard and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, a motion was made by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt and approved 7-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger, seconded by Councilmember John Schroeder, it was moved to pass and adopt Ordinance No. 2006-27. The motion passed 7-0.

ORDINANCE NO. 2006-28 AN ORDINANCE AMENDING ORDINANCE NO. 2003-64 ENTITLED AN ORDINANCE ESTABLISHING A 'BEAVER DAM LAKE FUND'

Ordinance No. 2006-28 amends the ordinance establishing the Beaver Dam Lake Fund in order to allow timber sale proceeds from that area to be placed in said Fund. The amendment was recommended by the Park and Recreation Board and by the Utility Service Board.

Upon motion by Councilmember Raymond Howard, seconded by Councilmember Thomas Schmidt and approved 7-0, it was moved to read the

ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember Bradley Seger and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt, it was moved to pass and adopt Ordinance No. 2006-28. The motion passed 7-0.

Under discussion, certain Council members referred to the part of the ordinance that says funds shall not be used in any way for the dam at Beaver Dam Lake and questioned whether or not expenditures for the dam should be excluded from this Fund.

Board appointments. Mayor Schmitt said former Council member Renee Kabrick served on the Dubois County Solid Waste Management Board and on the Indiana 15 Regional Planning Commission and the vacancies need to be filled. Schmitt said the Mayor appoints a member to serve on the Indiana 15 Regional Planning Commission and the legislative body appoints a council member to serve on the Dubois County Solid Waste Management Board.

Thereafter, Mayor Schmitt asked Council member Kevin Manley to serve on the Indiana 15 Regional Planning Commission. Manley accepted the appointment.

Thereafter, a **motion** was made by Council member Thomas Schmidt and seconded by Council member Ambrose 'Butch' Schitter to appoint Council member Randall Buchta to serve on the Dubois County Solid Waste Management Board. Motion carried 7-0.

Surgeon General report: secondhand smoke. Council member Raymond Howard said that in recent weeks, the surgeon general released a report called 'The Health Consequences of Involuntary Exposure to Tobacco Smoke'. Howard said he felt the secondhand smoke matter deserves the council's attention since this report indicates scientific evidence and not just an opinion. Howard then distributed several summary pages of the report to the council members. Howard said the report contains six major conclusions, along with supporting evidence, regarding secondhand smoke. Since the report came out after the non-smoking ordinance was denied, he asked the council to read the report and possibly discuss the matter after that. Howard added that the secondhand smoke issue was not a government, economic, or bar issue but rather a health issue and he feels his job is to protect the citizens.

Council member Bradley Seger asked Howard if he was suggesting the City revisit the non-smoking issue because the surgeon general's report contains information released after the June council meeting. Howard answered in the affirmative. Seger said he agrees with Howard that the matter should be readdressed because new information was received.

Council member Ambrose 'Butch' Schitter said he felt businesses and people should make the decision about whether or not to allow smoking in public places, not government.

Council member Bradley Seger said he wonders what the Mayor thinks about this issue and thought one should know the Mayor's position regarding this topic. Mayor Schmitt said he thinks the right decision was made last month at the meeting.

Council members Bradley Seger and Raymond Howard then asked City Attorney Hemmerlein to prepare an ordinance prohibiting smoking in public places. The ordinance should contain the language that was in Ordinance No. 2006-18 when it was presented on June 21, 2006 for second reading along with the amendment regarding the part of the definition of a public place that explains when a private club is considered a public place.

Council member Kevin Manley said, in his opinion, the matter is a health issue and the council should consider it because he read where 80% of the people are nonsmokers and 20% are smokers. Because he was not officially a council member during last month's meeting, Manley said he sat with the audience and it appeared discussion was mainly about the bar association's issues.

Mayor Schmitt said one has to weigh the issue of people's rights versus health issues and then decide what one thinks is the most important.

Council member Thomas Schmidt asked if anyone knew the County's position regarding this issue. He also said he was in favor of the county adopting an ordinance on the issue. Council member Randall Buchta suggested giving the surgeon general's summary report to certain county officials. He also said he thinks the matter should be applied county wide and the City and County should support the issue as one unit.

There was discussion whether the City would still have to adopt an ordinance if the County adopted one.

Mill Street connection. Council member Bradley Seger asked for an update regarding the possible construction of a back entrance from north Mill Street to Wal Mart. Mayor Schmitt said the City has called and called the property owner regarding this issue. Seger said the City should do whatever it has to in order to get the job done because one purpose of extending Mill Street was to create a back entrance to Wal Mart.

Adjournment. There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Randall Buchta to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:05 p.m.

William J. Schmitt, Mayor
Presiding Officer

ATTEST:

Juanita S. Boehm, Clerk-Treasurer